

Message Text

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 ACDA-07 CIAE-00 INR-07 IO-13

L-03 NSAE-00 NSC-05 EB-08 NRC-05 FEAE-00 DODE-00

SS-15 SP-02 PM-05 AF-10 ARA-10 EA-10 NEA-10 /130 W

-----015101 081724Z /47

P 081443Z SEP 77

FM AMEMBASSY VIENNA

TO SECSTATE WASHDC PRIORITY 3236

INFO USERDA HQ WASHDC

USERDA HQ GERMANTOWN

C O N F I D E N T I A L SECTION 1 OF 2 VIENNA 8135

USIAEA

E.O11652 GDS

TAGS: AORG IAEA

SUBJECT: AMEMDMENT OF ARTICLE VI: CO-SPONSORS TO SURFACE
NEW PROPOSAL

REF: (AL STATE 132966, (BL STATE 144671,
(C) VIENNA 6167, (D) VIENNA 7275, (E) VIENNA 7987,
(F) VIENNA 7827, (G) STATE 144671, (H) STATE 132966

SUMMARY:

MISSION HAS LEARNED FROM BOARD CHAIRMAN
CISSE THAT CO-SPONSORS OF AF AND MESA REGIONS DO NOT
RPT NOT INTEND TO ACCEPT PRO FORMA DISCUSSION OF
ARTICLE VI AMENDMENT AT SEPTEMBER 23 BG AND GENERAL
CONFERENCE, BUT PLAN INSTEAD TO FORMALLY INTRODUCE
TO SEPTEMBER 23 MEETING PROPOSAL FOR ADDITION OF ONE

ELECTIVE BOARD SEAT EACH FOR AF AND MESA
AND, ON ASSUMPTION BOARD DISCUSSION IS FAVORABLE,
TO INTRODUCE RESOLUTION AT GENEERAL CONFERENCE EXPRESSING
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GC APPROVAL AND REQUESTING BOARD TO INVITE ONE
MEMBER FROM EACH AREA TO PARTICIPATE IN BG
DISCUSSIONS, WITHOUT VOTE, FOR 1977-78 IN
ANTICIPATION OF FORMAL ADOPTION OF AMENDMENT
AT 22ND GENERAL CONFERENCE MISSION RECOMMENDS
USDEL BE AUTHORIZED TO JOIN CONSENSUS IN APPROVAL.
END SUMMARY.

1. MSIOFFS MET SEPTMEBER 6 WITH BOARD CHAIRMAN CISSE (SENEGAL) AT LATTER'S REQUEST, A PART OF INITIAL SERIES OF CONSULTATIONS CHAIRMAN UNDERTAKING IN PREPARATION FOR MEETINGS OF BG AND GENERAL CONFERENCE. RAISING SUBJECT OF ARTICLE VI AMENDMENT, WHICH IS INSCRIBED ON AGENDAS OF SEPTEMBER 23 BG MEETING AND GENERAL CONFERENCE (REFS (E), (F)), CISSE INDICATED THAT DEGREE OF SUPPORT HAD BEEN DETECTED AMONG OTHER REGIONS FOR AN AMENDMENT WHICH WOULD PROVIDE AF AND MESA REGIONS EACH WITH AN ADDITIONAL ELECTIVE BOARD SEAT (RATHER THAN THREE PLUS TWO AMENDMENT PROPOSAL NOW INSCRIBED .) FROM CISSE'S SUBSEQUENT REMARKS (CONFIRMED LATER BY ASSISTANT DIRECTOR GENERAL FISCHER), IT APPEARS CLEAR THAT CO-SPONSORS INTEND TO INTRODUCE SUCH A PROPOSAL AT SEPTEMBER 23 MEETING

OF BOARD FOR PURPOSE OF INITIAL DISCUSSION WHICH THEY EXPECT WILL BE GENERALLY FAVORABLE. PROPOSAL WOULD INCLUDE STIPULATION THAT NO REPEAT NO FURTHER EXPANSION OF THE BOARD WOULD TAKE PLACE FOR A FIXED

PERIOD OF TIME.

2. AS REPORTED REF (C), THREE -PLUS-TWO PROPOSAL IS GENERALLY CONFIDENTIAL

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CONCEDED TO HAVE LITTLE CHANCE OF SUCCESS AT GENERAL CONFERENCE. AT SAME TIME, NO DEFINITIVE ACTION ON A NEW PROPOSAL COULD BE TAKEN BY 21ST GENERAL CONFERENCE BECAUSE OF REQUIREMENT OF ARTICLE XVIII OF STATUTE THAT TEXT OF AMENDMENT BE CIRCULATED TO ALL MEMBERS AT LEAST 90 DAYS BEFORE ITS CONSIDERATION BY GENERAL CONFERENCE. WHAT SUPPORTERS HAVE IN MIND AT 21ST GENERAL CONFERENCE IS INTRODUCTION OF RESOLUTION EXPRESSING THE SENSE OF THE GENERAL CONFERENCE THAT ONE-PLUS-ONE AMENDMENT IS ACCEPTABLE, AND REQUESTING NEW BOARD TO INVITE ONE ADDITIONAL MEMBER FROM AF AND MESA TO PARTICIPATE, WITHOUT VOTE, IN BOARD DISCUSSION IN ANTICIPATION OF FORMAL ADOPTION BY 22ND GENERAL CONFERENCE OF THIS NEW AMEMNDMENT. "OBSERVATIONS" OF BOARD ON PROPOSED AMENDMENT WOULD NEED TO BE SUBMITTED, PURSUANT TO ARTICLE

XVIII C, TO 22ND GENERAL CONFERENCE, IN ORDER FOR ADOPTION OF AMENDMENT AT THAT SESSION.

3. PROPOSAL, AS DEPARTMENT WILL RECOGNIZE, HAS SOME UNFAVORABLE

IMPLICATONS FOR OUR INTERESTS, MOST SERIOUS OF WHICH WOULD BE ENHANCEMENT OF LDC COMPONENT'S ABILITY TO SHAPE OUTCOME OF CONSENSUS

DICISIONS OF BOARD. IT WOULD ALSO PREDETERMINE OUTCOME OF THE
AMENDMENT ISSUE IN 1978. HOWEVER MISSION BELIEVES TIME

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C O N F I D E N T I A L SECTION 2 OF 2 VIENNA 8135

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HAS COME TO EXERCISE FLEXIBILITY EARLIER AUTHORIZED
IN REFS (G) AND (H) AND NOT OPPOSE THIS PROPOSAL SHOULD
IT MATERIALIZE. WE HAVE SUCCEEDED IN BLOCKING EXPANSION
TO 39 BOARD MEMBERS, BUT IN OUR PRESENT JUDGMENT,
EXPANSION OF BOARD TO AT LEAST 36 MEMBERS IS PROBABLY
INEVITABLY, WITH GC ADOPTION OF THE AMENDMENT IN 1978
VIRTUALLY CERTAIN.

4. SEATING OF ADDITIONAL TWO NON-VOTING BOARD
PARTICIPANTS IN ADVANCE OF AMENDMENT COMING INTO FORCE
COULD PRESUMABLY BE ACCOMPLISHED UNDER RULE 50 OF BOARD
RULES OF PROCEDURE WHICH PROVIDES THAT BOARD MAY INVITE,
INTER ALIA,"ANY STATE WHICH IS A MEMBER OF THE AGENCY...
TO BE REPRESENTED AT OR TO ATTEND ANY MEETING OF THE BOARD".
IN FACT, NEW PARTICIPANTS WERE SEATED ON
BOARD FOLLOWING 1963 GC ADOPTION OF AMENDMENT EXPANDING
BOARD, IN ANTICIPATION OF ITS COMING INTO FORCE.

5. IN CONSIDERING OUR RESPONSE TO THIS PROPOSAL, WE SHOULD
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WEIGH WHATEVER BENEFITS THAT STONEWALLING MIGHT BRING AGAINST RESENTMENT OF WHAT WOULD BE PERCEIVED AS GRATUITOUS OBSTRUCTIONISM BY LDC'S, PARTICULARLY BY THOSE WHICH WOULD EVENTUALLY BECOME NEW BOARD MEMBERS IN ANY CASE. AT A TIME OF GROWING POLARIZATION BETWEEN DEVELOPED AND DEVELOPING MEMBERS OF THE AGENCY, WE QUESTION WHETHER CONTINUED INTRANSIGENCE ON OUR PART WOULD BE, ON BALANCE, MORE HELPFUL TO OUR OVERALL INTERESTS IN AGENCY THAN A GRACIOUS GESTURE OF ACQUIESCENCE IN A PROPOSAL WHICH WOULD AT LEAST PARTIALLY MEET WISHES OF LDC'S AND AT SAME TIME, HOPEFULLY, PRECLUDE FURTHER BOARD EXPANSION IN THE NEAR FUTURE.

6. ACTION REQUESTED: (A) AUTHORIZATION FOR US DEL TO 23 SEPTEMBER MEETING OF BOARD NOT TO OPPOSE NEW AMENDMENT PROPOSAL BUT TO AGREE TO TAKE IT UNDER CONSIDERATION; (B) AUTHORIZATION FOR US DEL TO GENERAL CONFERENCE TO JOIN CONSENSUS IN APPROVING RESOLUTION ALONG LINES DESCRIBED ABOVE ;
(C) AUTHORIZATION FOR US DEL TO OCTOBER 3 BOARD MEETING TO JOIN CONSENSUS IN EXTENDING BOARD INVITATION TO ONE ADDITIONAL MEMBER STATE FROM EACH OF REGIONS OF AF AND MESA TO PARTICIPATE IN MEETINGS OF BOARD. LABOWITZ

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